IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

Bail Appl..No. 7173 of 2007()

CRIME NO.666/06 OF CHALAKUDY POLICE STATION
CMP.12960/2007 of J.M.F.C.,CHALAKUDY

.....

PETITIONERS/24TH ACCUSED:

LALAKURIYAN UTHUP, S/O. KURIYAN UTHUP,
KARAYORAM HOUSE, PUTHENANGADI, KOTTAYAM.

BY ADV. SRI.BECHU KURIAN THOMAS

RESPONDENTS: COMPLAINANT:

STATE OF KRALA,
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, ERNAKULAM (THROUGH CIRCLE INSPECTOR OF POLICE, CHALAKUDY POLICE STATION).

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

- -

B.A.No. 7173 of 2007

- -

Dated this the 23rd day of November, 2007

O R D E R

Application for regular bail. The petitioner faces allegations in a crime registered under Sections 406 and 477A I.P.C. The petitioner is allegedly a loanee. He is a member of the bank. He had availed a loan from the bank. He had offered a guarantor. That guarantor had deposited the title deed with the bank. Even before the loan was discharged, the guarantor, in collusion with the bank officials, had secured return of the documents.

2. The learned counsel for the petitioner submits and the learned Prosecutor accepts that the petitioner has discharged the entire liability in the transaction to the bank. The counsel for the petitioner submits that if the guarantor, in collusion with the officials of the bank, had clandestinely got back the documents, that cannot be a reason to insist on continued incarceration of the petitioner, who had discharged the entire liability in the

transaction. The petitioner was arrested on 9.11.2007 and he continues in custody from that date.

3. The learned Prosecutor opposes the application. But notwithstanding the opposition, I am satisfied, in the facts and circumstances referred above, that the petitioner can be granted regular bail now.

4. In the result:

1) This application is allowed.

2) The petitioner shall be released on bail on the following terms and conditions.

(a) The petitioner shall execute a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 12 noon on all Mondays for a period of one month and thereafter as and when directed by the Investigating Officer in writing to do so.

(R. BASANT)
Judge

tm

tm